THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21674 of 2007

Date 12-10-2007

Between:
A. Rajasekhar Reddy

.....

PETITIONER
AND

The District Collector, Kadapa District and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21674 of 2007

ORDER: (per Smt. T. Meena Kumari,J)

This Writ Petition is filed seeking to issue a writ of Certiorari to call for the records relating to the order of the A.P. Administrative Tribunal, Hyderabad dated 5.10.2007 made in O.A. No. 684 of 2003 and to quash the same by declaring the proceedings in ROC No. 4908/2001-B1(Pts.), dated 27.1.2003 as illegal, bad and arbitrary. They also sought for a consequential direction to the respondents to continue them as Pnachayat Secretaries and pass such other orders.

The petitioners herein were working as Panchayat Secretaries. They filed O.A. No. 684 of 2003 before the Tribunal challenging the proceedings issued in Roc. No. 4908/2001-B1(Pts), dated 27.1.2003 issued by the Collector, Kadapa, as illegal and arbitrary and to direct the respondents to continue them as Panchayat Secretaries. The Tribunal while relying on a decision of this Court in Writ Petition No. 14472 of 2003 and batch, dated 4.12.2003 dismissed the said O.A. Aggrieved, the petitioners filed the present writ petition.

Admittedly, earlier when similar matters came up for consideration before the Tribunal, namely, O.A. No. 11107 of 2002 & batch, the Tribunal through order dated 28.4.2003, dismissed the said O.As. upholding the

termination orders and observing that the appointments were in contravention to the rules framed in G.O. Ms. No.212, Finance & Planning, dated 22.4.1994. Aggrieved, when the petitioners therein filed Writ Petition No. 14472 of 2003 before this Court, this Court dismissed those writ petitions while upholding the decision of the tribunal. The Tribunal, by the impugned order while following the said decision of this court in Writ Petition No. 14472 of 2003, upheld the proceedings dated 27.1.2003 of the Collector. In the circumstances, the proceedings dated 27.1.2003 cannot be said to be illegal. Further, while disposing of the O.A. the tribunal also gave liberty to the respondents to consider the case of the petitioners for relaxation of rules. In the circumstances, we do not find any illegality or irregularity in the order of the tribunal warranting interference.

At this stage, learned counsel for the petitioners prayed this Court to give liberty to the petitioners to make appropriate application to the respondents to consider their case for relaxation of the rules.

Hence, we dispose of the writ petition reserving liberty to the petitioners to make appropriate application/representation to the respondents to consider relaxation of Rules within a period of four weeks from today. On such representation being filed by the petitioners, the respondents shall consider and dispose of the same accordance with the Rules within a period of three months from the date of receipt of such representation. We make it clear that the petitioners shall be continued till final orders are passed by the respondents on such representation.

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T. MEENA KUMARI,J

DATE: 12th October, 2007

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G. CHANDRAIAH,J

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